

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/943,685
Filing Date: August 30, 2001
Applicant: Loughrin et al.
Group Art Unit: 3679
Examiner: Aaron M. Dunwoody
Title: DRIVE SHAFT COUPLING
Attorney Docket: 6039-000293

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SECOND REQUEST FOR REFUND

Sir:

It has come to our attention that the following charges were made against our Deposit Account 08-0750 for the above-identified application.

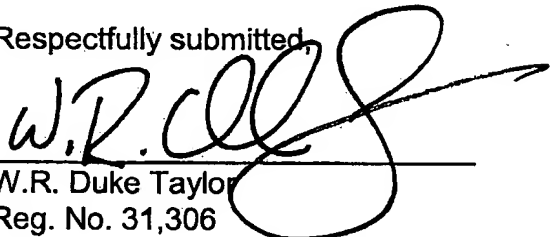
Date Posted	PTO Control No.	Description	Fee Code	Charges
08/05/05	75	09943685	1403	\$1,000
08/05/05	76	09943685	1403	\$1,000

The above-identified charges to our deposit account were in connection with a Reply Brief and Request for Oral Hearing filed with the U.S. Patent and Trademark Office on August 2, 2005. A copy of the Transmittal Form, Fee Transmittal, Reply Brief and Request for Oral Hearing are attached as Exhibit A. As you can see from the Fee Transmittal, Applicants chose as a "method of payment" to include a check for the

Request for Oral Hearing fee. Attached as Exhibit B is a copy of the cancelled check confirming the U.S. Patent and Trademark Office receipt of the fees necessary for the Request for Oral Hearing. Attached as Exhibit C is a copy of the first Request for Refund filed on July 5, 2006 to which we have received no acknowledgement regarding our request.

Therefore, it appears that the above charges (for two (2) Request for Oral Hearing) against our Deposit Account were in error. Accordingly, please credit our Deposit Account No. 08-0750 in the amount of \$2,000.00.

Dated: September 17, 2007

Respectfully submitted,
By: 
W.R. Duke Taylor
Reg. No. 31,306

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

WRDT/lkj

EXHIBIT A

AUG 02 2001

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

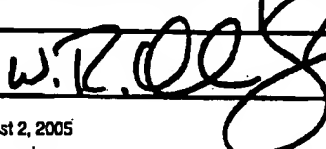
Approved for use by 07/31/2006. OMB 0551-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

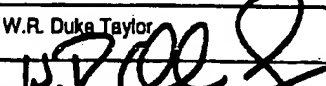
PTO/SB/21 (04-04)

JFW

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/943,685
	Filing Date	August 30, 2001
	First Named Inventor	Terry Loughrin et al.
	Art Unit	3679
	Examiner Name	Aaron M. Dunwoody
Total Number of Pages in This Submission	Attorney Docket Number	6039-000293

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Amended Appeal Brief
Remarks: The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	W.R. Duke Taylor
Reg. No.	31,306		
Signature			
Date	August 2, 2005		

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	W.R. Duke Taylor	Express Mail Label No.	EV 406 076 184 US (8/2/2005)
Signature		Date	August 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV 406 076 184 US

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,000

Complete if Known

Application Number 09/943,685
Filing Date August 30, 2001
First Named Inventor Terry Loughrin et al.
Examiner Name Aaron M. Dunwoody
Art Unit 3679
Attorney Docket No. 6039-000293

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit Account Number 08-0750

Deposit Account Name Harness, Dickey & Pierce, PLC

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or any underpayment of fees under 37 CFR 1.16 and 1.17
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20 **	=	<input type="text" value="0"/>	X	<input type="text"/>	= <input type="text" value="0"/>
Independent Claims	<input type="text"/>	-3 **	=	<input type="text" value="0"/>	X	<input type="text"/>	= <input type="text" value="0"/>
Multiple Dependent					X	<input type="text"/>	= <input type="text" value="0"/>

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	50	2202	25	Claims in excess of 20	
1201	200	2201	100	Independent claims in excess of 3	
1203	360	2203	180	Multiple dependent claim, if not paid	
1204	200	2204	100	** Reissue independent claims over original patent	
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 0)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1590	2254	795	Extension for reply within fourth month	
1255	2160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1000	2403	500	Request for oral hearing	1,000
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1500	2453	750	Petition to revive - unintentional	
1501	1400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1100	2503	550	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1,000)

SUBMITTED BY

Name (Print/Type)

W.R. Duke Taylor

Registration No. (Attorney/Agent)

31,306

Complete (if applicable)

Telephone

(248) 641-1600

Signature

W.R. Duke Taylor

Date

August 2, 2005



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 09/943,685
Filing Date: August 30, 2001
Applicants: Terry Loughrin et al.
Group Art Unit: 3679
Examiner: Aaron M. Dunwoody
Title: Drive Shaft Coupling
Attorney Docket: 6039-000293

Mail Stop Reply Brief – Patents
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY BRIEF

Dear Sir:

In response to the Examiner's Answer dated June 2, 2005, please consider the following.

Applicants include three (3) copies of an Amended Brief. The Amended Brief includes paragraphs, pages and line numbers in the Summary of the Invention. Also, typographical errors have been corrected in this section. Further, the Amended Brief includes the Claim Appendix which corrects the claims as indicated by the Examiner.

ARGUMENT

In the Examiner's brief, in ¶10, the Examiner states that the Walters et al. reference illustrates "the joint component is both rotatable through a specified range of rotation and is fixed from axial movement relative to one of the set shaft". Nowhere does the Walters et al. reference illustrate such a feature. Walters et al., at best, in Figure 1, and in column 2, lines 47-49, briefly mentions a telescoping shaft. Nowhere does Walters et al., in the drawings or specification, disclose or suggest the joint component is both rotatable through a specified range of free motion rotation without torque transmission and is fixed from axial movement relative to one of the second shafts. There is no support for these features in the Walters et al. reference and for the Examiner to draw such a conclusion is pure conjecture.

The Ferguson reference relied on by Examiner has an elastic damper which always provides a reactive force to return and maintain the coupling in a first position. Free movement is not available in the Ferguson device. The elastomeric damper always interferes with the movement of the Ferguson coupling. Thus, the Ferguson device would not enable free motion, which is motion without any impediment or contact by any type of structure during rotation. Accordingly, the Examiner's combination fails to disclose or suggest Applicants' invention.

CONCLUSION

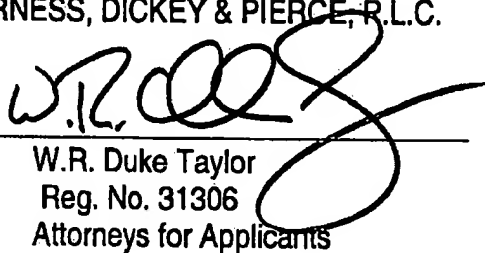
Applicants respectfully submit that the Examiner has failed to show the present invention would be obvious over Walters et al. in view of Ferguson. Further, the combination fails to illustrate a joint component rotatable through a specific range of

motion and is axially fixed with respect to one of the shafts. Additionally, the combination fails to show free motion as claimed by Applicants.

Accordingly, reversal of the final rejection of Claims 1-11 and allowance of these claims is respectfully requested.

Respectfully submitted,
HARNESS, DICKEY & PIERCE, P.L.C.

By: _____


W.R. Duke Taylor
Reg. No. 31306
Attorneys for Applicants

P.O. Box 828
Bloomfield Hills, Michigan 48303
Phone: (248) 641-1600

Date: August 2, 2005



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 09/943,685
Filing Date: August 30, 2001
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Mail Stop Reply Brief -- Patents
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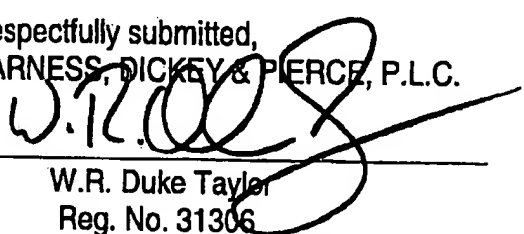
REQUEST FOR ORAL HEARING

Applicants respectfully request an oral hearing. A check in the amount of \$1,000.00 is included to cover the request for oral hearing. An additional copy of this Request is included.

Should the Examiner have any questions or comments, please do not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,
HARNESSE, DICKEY & PIERCE, P.L.C.

By:


W.R. Duke Taylor
Reg. No. 31306
Attorneys for Applicants

P.O. Box 828
Bloomfield Hills, Michigan 48303
Phone: (248) 641-1600

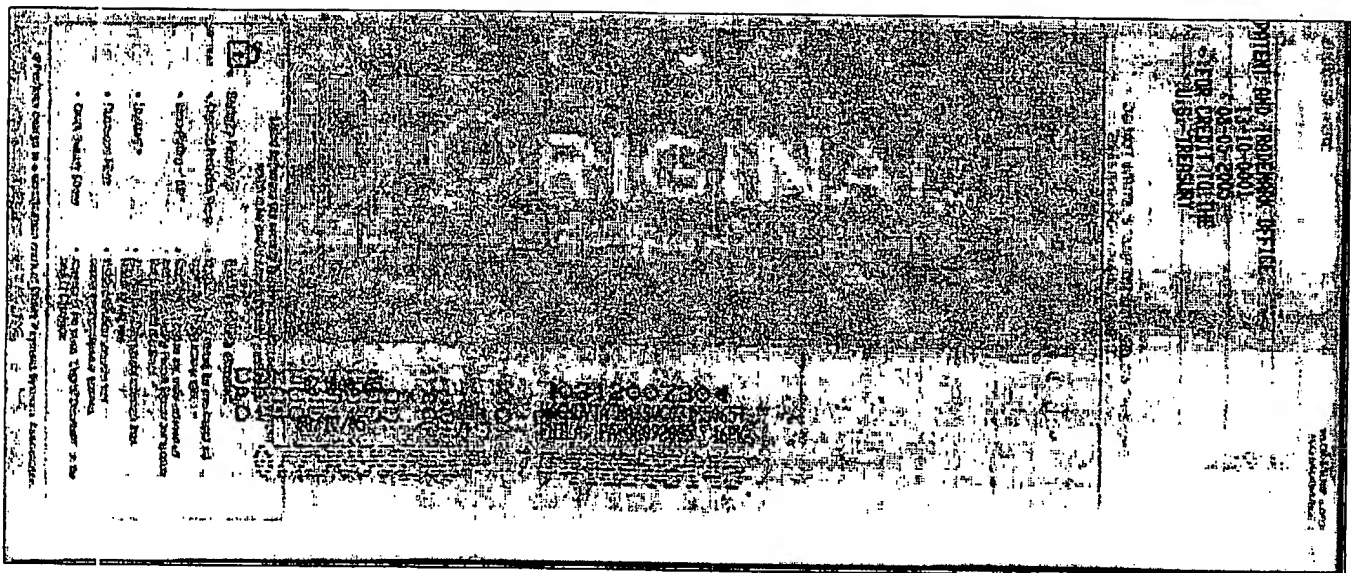
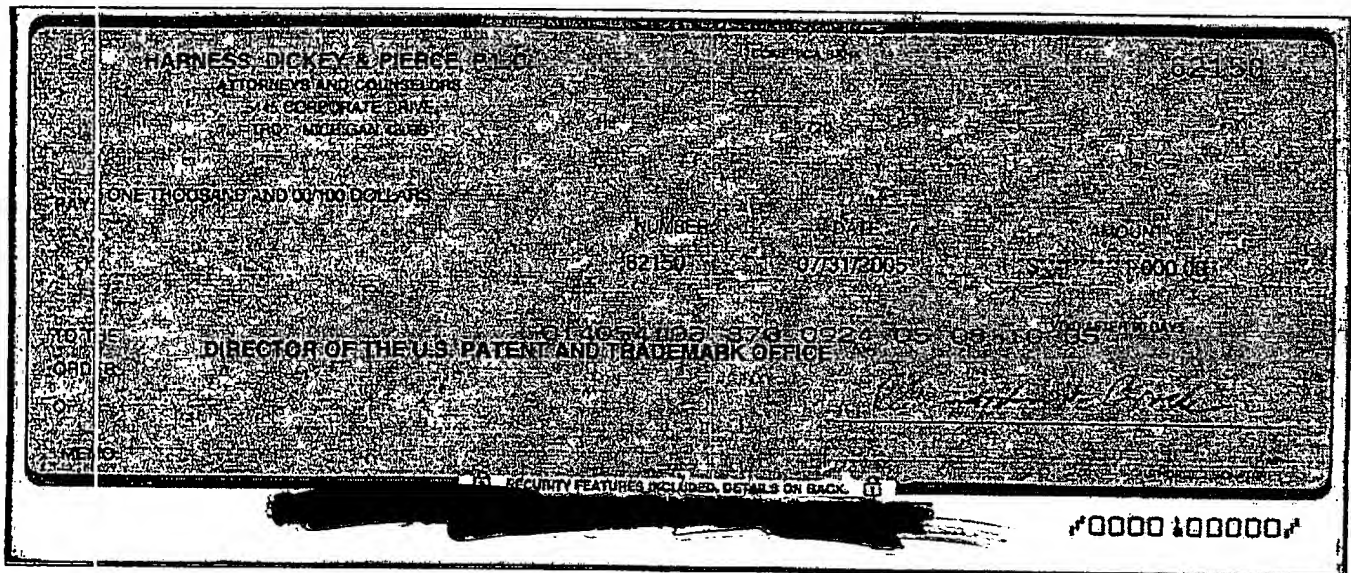
Date: August 2, 2005

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1000.00 DP

EXHIBIT B



Location	Acct #	Check #	Amount	Issue Date	Paid Date	Sequence
CD		62150	\$1,000.00		8/10/2005	987403560
Customer Data	Bank #	GL Category	CD Valid/CIMS Key	CD Label		
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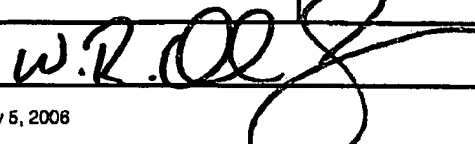
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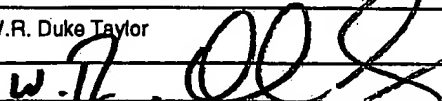
EXHIBIT C

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/943,685
		Filing Date	August 30, 2001
		First Named Inventor	Loughrin et al.
		Art Unit	3679
		Examiner Name	Aaron M. Dunwoody
Total Number of Pages in This Submission		Attorney Docket Number	6039-000293

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Refund (with attachment of Exhibit A and B)
Remarks The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Reg. No.
		W.B. Duke Taylor	31,306
Signature			
Date	July 5, 2006		

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	W.R. Duke Taylor	Express Mail Label No.	EV 855 009 403 US (7/5/2006)
Signature		Date	July 5, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.